

BRIAN SANDOVAL
Governor

STATE OF NEVADA

REPLY TO:

MEMBERS

Jan B. Leggett, Chairman
Thomas "Jim" Alexander
Kevin E. Burke
Margaret Cavin
Joe Hernandez
Stephen P. Quinn
Guy M. Wells



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STATE CONTRACTORS BOARD

MINUTES OF THE MEETING

October 21, 2015

CALL TO ORDER:

Noah Allison, Esq. called the meeting of the State Contractors Board to order at 8:30 a.m., Wednesday, October 21, 2015, State Contractors Board, Henderson and Reno, Nevada. Exhibit A is the Meeting Agenda and Exhibit B is the Sign in Log.

HEARING OFFICER:

Mr. Stephen Quinn

STAFF MEMBERS PRESENT:

Ms. Margi Grein, Executive Officer
Mr. Paul Rozario, Director of Investigations
Mr. George Lyford, Associate Director
Mr. Daniel Hammack, Chief of Enforcement

LEGAL COUNSEL PRESENT:

Mr. Jack Juan, Esq.
Mr. Noah Allison, Esq.

Ms. Grein stated the agenda was posted in compliance with the open meeting law on October 15, 2015, at Paseo Verde Library, Sawyer State Building and Clark County Library. The agenda was also posted in both offices of the Board, Henderson and Reno and on the Board's Internet Website.

HEARING OFFICER: STEPHEN QUINN

1. DISCIPLINARY HEARING: (Continued from August 19, 2015)

DON MARTINEZ, OWNER, dba ALPHA 1 CONSTRUCTION, License No. 49793

Licensee was not present nor represented by counsel at the hearing.

Hearing Officer Quinn found Respondent Don Martinez, Owner, dba Alpha 1 Construction, license number 49793 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of twelve (12) violations of NRS 624.301(2) failure to pay any money when due and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 each for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth and Thirteenth Causes of Action for total fines of \$13,000.00 and investigative costs of \$2,394.00. License number 49793, Don Martinez, Owner, dba Alpha 1 Construction was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

2. DISCIPLINARY HEARING:**ERUS BUILDERS, LLC DBA**, License No. 78524

Licensee was present and represented by Brian W. Boschee, Esq. at the hearing.

The following Agency Exhibits were entered:

Exhibit A – Board Hearing File.

The following Licensee Exhibits were entered:

Exhibit 1 – Respondent's Answer to the Board's Complaint dated September 17, 2015.

Upon the Stipulation of the parties, Hearing Officer Quinn found Respondent guilty of one (1) violation of NRS 624.3014(1)(a) acting in the capacity of a contractor under any license issued except in the name of the licensee as set forth upon the license; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.3015(1) acting in the capacity of a contractor beyond the scope of the license; and one (1) violation of NRS 624.3014(2)(a) aiding or abetting an unlicensed person to evade the provisions of this chapter. Respondent was assessed a fine of \$500.00 each for the First and Second Causes of Action; a fine of \$2,000.00 for the Third Cause of Action; a fine \$1,000.00 for the Eighth Cause of Action for total fines of \$4,000.00 and investigative costs of \$2,097.00. The Fourth, Fifth, Sixth and Seventh Causes of Action are dismissed. The Ninth Cause of Action shall be dismissed if a current financial statement that supports the license limit is provided to the Board within thirty (30) days of the October 21, 2015 hearing. All fines and investigative costs are to be paid and a current financial statement that supports the license limit provided to the Board within thirty (30) days of the October 21, 2015 hearing or license number 78524, ERUS Builders, LLC DBA shall be revoked.

3. DISCIPLINARY HEARINGS: DEFAULT ORDERS**a. A. R. A. HEATING AND AIR CONDITIONING, INC.,** License No. 40233A

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent A. R. A. Heating and Air Conditioning, Inc., license number 40233A in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. Respondent was found guilty of one (1) violation of NRS 624.3012(2) failure to pay any money when due; one (1) violation of NRS 624.3013(3) failure to establish financial responsibility; and one (1) violation of NRS 624.3011(1)(b)(1) violation of the building laws of this State. Respondent was assessed a fine of \$1,000.00 each for the First and Third Causes of Action and a fine of \$500.00 for the Second Cause of Action for total fines of \$2,500.00 and investigative costs of \$1,930.00. License number 40233A, A. R. A. Heating and Air Conditioning, Inc. was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

b. BORMANN CONSTRUCTION, LTD., License No. 56998

Licensee was not present nor represented by counsel at the hearing.

The following Agency Exhibits were entered:

Exhibit 1 – Board Hearing File.

Hearing Officer Quinn found Respondent Bormann Construction, LTD., license number 56998 in default and adopted the Findings of Fact and Conclusion of Law as set forth in the Administrative complaint. The Respondent was found guilty of three (3) violations of NRS 624.301(2) abandonment of a construction project when the percentage of the project completed is less than the percentage of the total price of the contract paid to the contractor at the time of abandonment; three (3) violations of NRS 624.3013(5), as set forth in NRS 624.750(3)(b) diversion of money; three (3) violations of NRS 624.3013(5), as set forth in NAC 624.640(5) failure to include its license number and monetary license limit on its contracts; one (1) violation of NRS 624.302(5) failure to respond to a written request from the Board; one (1) violation of NRS 624.3013(5), as set forth in NAC 624.640(3) failure to notify the Board of a change of address; and one (1) violation of NRS 624.3013(3) failure to establish financial responsibility. Respondent was assessed a fine of \$1,000.00 each for the First, Second, Fifth, Sixth, Eighth and Ninth Causes of Action; a fine of \$100.00 each for the Third, Seventh and Tenth Causes of Action; a fine of \$500.00 each for the Fourth, Eleventh and Twelfth Causes of Action for total fines of \$7,800.00 and investigative costs of \$2,403.00. License number 56998, Bormann Construction, LTD. was revoked. Respondent is required to make full restitution to all damaged parties and reimburse the Board for any monies paid out of the Residential Recovery Fund plus pay the fines and investigative costs prior to consideration of future licensure.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned by Hearing Officer Quinn at 8:58 a.m.

Respectfully Submitted,



Melinda Mertz, Recording Secretary

APPROVED:



Margi A. Grein, Executive Officer



Stephen Quinn, Hearing Officer